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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/991,140

11/16/2001

Eser Kandogan

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12/29/2004

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/991,140

Applicant(s)

KANDOGAN ET AL.

Examiner

Timothy Edwards, Jr.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed September 27, 2004 have been fully considered but they are not persuasive. Please see Examiner's Response.

#### **Applicant's Argument:**

- 1) Differences in methodologies (pages 9 through 10 of applicant's REMARKS) between the present application and cited prior art Stone '193.
- 2) Differences in apparatuses (pages 11 through 12 of applicant's REMARKS) between the present application and cited prior art Stone '193.
- 3) Disambiguation requirement (page 12, 1<sup>st</sup> paragraph of REMARKS) of the present application and Stone '193.

#### **Examiner's Response:**

With respect to part (1) above, applicant state Stone's method of inputting a character is the concurrent pressing of two keys. Method of inputting a character in the present application is the sequential pressing of two keys. Applicant states 'sequential selection of two keys' maybe founded on page 8, line 3 to page 9, line 11 of applicant's specification and claims 23 and 25. Examiner can find no language on these pages that convey in a clear and concise manner that sequential pressing of two keys is the method used by the applicant to input a character (i.e. pressing first key releasing it and then pressing a second). Applicant's specification does not teach away from the method

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of pressing a first key 'holding' the first and then pressing a second key'. The holding of a key until a next key is pressed can be defined as concurrent key entry because both keys are being pressed at the same time. Sequent is defined as "coming after in order or time". Pressing a first key 'holding' and then pressing a second key is also sequential pressing of keys. Therefore, Stone character entry method could be seen as sequential pressing of keys. Stone states in col 3, lines 10-12, "The keyboard may be electronically implemented by any appropriate means known to those skilled in the art." This would suggest sequential selection of keys is within the scope of the Stone system. Sequential selection of two-keys to input a character is well known in the art as admitted by applicant in his specification on page 3, lines 9-19 and as pointed out by examiner in office action dated 29 July 2004 (see prior art made of record). Applicant's argument is not supported by his specification and Stone suggests electronically implementing his keyboard by any appropriate means known to those skilled in the art.

With respect to part (2) above, applicant state Stone's device is different than the apparatuses of the present application. Applicant states, "Applicants' keyboards are consistent with standard telephone and cell phone keyboards. Stone addresses in col 1, line 43 to col 2, line 2 the need for a telecomputing one-handed, pocket sized device having a full typewriter keyboard which can be used to send and receive messages and enter alphanumeric characters. Also, Stone suggests in col 6, lines 34-41 the changing and rearranging of letters to suit a particular device. This would suggest the telecomputing pocket size device alphanumeric character entry device taught by Stone could be a telephone device because Stone expresses that his method is suited for a

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pocket sized telecomputing system having all the letters of a full size keyboard that can be widely used to send and receive messages and operable with one hand for selecting a variety of characters and Stone suggests the modification and rearranging to suit a particular device.

In response to applicant's argument part (3) above that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing disambiguation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, examiner maintains office action dated 29 July 2004 and remains of the opinion the Stone reference is pertinent to applicant's disclosure.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone '193.

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Considering claim 1, Stone discloses keyboards including color coding and one handed operation comprising, a) a plurality of characters displayed on the keys have associated markings such that any given character marking on that key is uniquely identified with a single displayed character (see fig 1, items 14a-14d); b) a plurality of keys having respective markings that visually match character markings (see fig 1, items 14a-14d and 16a-16d); c) selecting a first character, having a first marking, displayed on a first one of 8 keys and then selecting a key displaying the first marking (see col 2, lines 19-31); d) selecting a second character, having a second marking, displayed on a first one of 8 keys and then selecting a key displaying the second marking, keys displaying the first and second marking are different (see col 3, lines 29-40); e) except Stone does not specifically recite numeral 0 through 9 are inclusive displayed on a respective one of the keys and at least 8 of the numeral-displayed keys further have language character displayed thereon. However, Stone addresses in col 1, line 43 to col 2, line 2 the need for a telecomputing one-handed, pocket sized device having a full typewriter keyboard which can be used to send and receive messages and enter alphanumeric characters. Also, Stone suggests in col 6, lines 34-38 the changing and rearranging of letters to suit a particular device. Therefore, it would have been obvious to use the color coding dual key entry method taught by Stone in telephone device because Stone expresses that his method is suited for a pocket sized telecomputing system having all the letters of a full size keyboard that can be widely used to send and receive messages and operable with one hand for selecting a variety of characters and Stone suggests the modification and rearranging to suit a particular device.

Considering claim 2, Stone discloses the limitation of this claim in col 2, lines 19-40.

Considering claim 3, Stone discloses the limitation of this claim in fig 1.

Considering claim 4, Stone discloses the limitation of this claim in col 2, lines 26-31.

Considering claim 5, the limitation of this claim is interpreted and rejected as stated in part (e) of claim 1.

Considering claim 6, Stone discloses the limitation of this claim in fig 1.

Considering claims 7-11, the limitations of these claims are interpreted and rejected as stated in part (e) of claim 1.

Considering claims 12,18,19 Stone discloses the limitations of these claims in fig 1.

Considering claim 13, the limitation of this claim is interpreted and rejected as stated in claim 1, part (e).

Considering claim 14, Stone discloses the limitation of this claim in fig 1.

Considering claims 15-17,20-23 the limitations of these claims are interpreted and rejected as stated in part (e) of claim 1.

Considering claim 24, the limitation of this claim is interpreted and rejected as stated in claim 1.

Considering claim 25, the limitation of this claim is interpreted and rejected as stated in claim 1 and in col 5, lines 48-60.

Claims 26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone '193 as applied to claims 23 and 25 above, and further in view of Prame '997.

Considering claim 26 and 27, Stone does not specifically recite computer program including code for generating a character corresponding to two keys pressed on a color-coded keyboard. However, Stone discloses in col 3, lines 10-12 "The keyboard may be electronically implemented by any appropriate means known to those skilled in the art." The use of means to convert key sequence into characters is well known in the art. Prame teaches in col 2, lines 16-25 the use of a microcomputer means to convert key sequence in to characters. This would suggest means to convert key sequence into characters of keys is within the scope of the Stone system because both references are concern with the use of two keys to enter a character and Stone suggests the use of any appropriate means known in the art.



### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Tuesday-Friday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

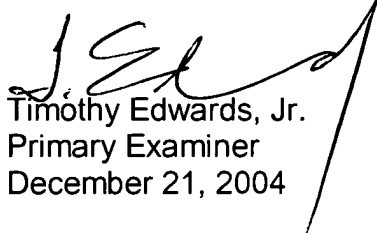
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
December 21, 2004